



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

July 9, 2010

Mr. Joel Toler

REDACTED

Warning Letter Re: FPPC No. 10/122; Joel Toler

Dear Mr. Toler:

The Fair Political Practices Commission ("Commission") enforces the provisions of the Political Reform Act (the "Act")¹. This letter is in response to an anonymous complaint filed against you that alleged you were in violation of the candidate reporting obligations of the Act.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that on February 16, 2010, you filed a Candidate Statement of Intention to become a candidate for Solano County Sheriff in the June 8, 2010 election. You also filed a Candidate Statement of Economic Interests ("SEI") on February 22, 2010. You made radio and print advertisement expenditures with a view to bringing about your nomination to the office of Sheriff. The Deputy Sheriffs Association and the incumbent Sheriff initiated a lawsuit contesting your qualification to serve as Sheriff. In a Superior Court decision, the Court found that you did not possess the required experience to serve or be listed as a candidate, and the Registrar of Voters was restrained from listing you on the ballot. When notified that your SEI did not disclose a business as required, you filed an amended SEI on or about June 23, 2010, disclosing this economic interest.

The Act provides that failing to report economic interests on a SEI is prohibited. Specifically the Act provides that every candidate for an elective office that is designated in a conflict of interest code shall file a statement disclosing his or her investments, business positions, interests in real property, and income received during the immediately preceding 12 months, as enumerated in the disclosure requirements for that position. (Section 87302.3.)

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

The SEI must be filed with the election office where the candidate filed their declaration of candidacy no later than that election's deadline for new declarations of candidacy. "Candidate" includes individuals who receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to any elective office. (Section 82007.) Under Section 82019, subdivision (a), and Section 87302, the persons who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency whose position with the agency entails making, or participating in making, governmental decisions that may foreseeably have a material effect on one or more of the person's economic interests. According to the Solano County Conflict of Interest Code, Solano County Sheriff is a designated position.

Your actions violated the Act because you failed to report Toler Bail Bonds on the Candidate SEI filed on or about February 22, 2010. You were a candidate under the Act because you made expenditures to promote your election to the office of Sheriff, a designated position. You have a reportable economic interest in Toler Bail Bonds. Therefore, you failed to meet the candidate filing obligations under the Act. However, the Superior Court decision contesting your qualification as a candidate for Sheriff, your exclusion from the ballot, and your cooperation by filing amendments to your Candidate SEI were mitigating circumstances in this matter.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me at (916) 327-2019 with any questions you may have regarding this letter.

Sincerely,

REDACTED

Ty Moore
Counsel, Enforcement Division